



Appeal Decision

Site visit made on 19 October 2020

by Mike Hayden BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 09 March 2021

Appeal Ref: APP/Y2810/Y/20/3254214

The Cottage, Banbury Road, Charwelton NN11 3YY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mrs Deborah Hamilton against the decision of Daventry District Council.
 - The application Ref: DA/2020/0227, dated 2 March 2020, was refused by notice dated 1 May 2020.
 - The works proposed are removal of existing Victorian staircase and insertion of replacement oak and glass staircase within the existing hall and landing area.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed works on the special architectural and historic interest of The Cottage, a Grade II listed building.

Reasons

3. The Cottage is a Grade II listed building, fronting the A361 Banbury Road, in the village of Charwelton. It is a substantial, two storey house with attic, the heritage significance of which lies in its early C17 origins and its adaptation as a dwelling during the Victorian and Edwardian periods, the surviving fabric and features from which tell the story of the historical evolution of the building.
4. Along the street frontage, the property presents as a single linear building, which is constructed in coursed ironstone, under a slate tile roof, with three brick chimney stacks along its ridgeline and brickwork to the western gable end. A brick built extension to the rear forms a T-shaped plan. Window designs include iron casements with leaded lights on the principal elevations, some of which have stone label moulds, and timber sash and casement windows in the gable ends and rear extension.
5. It is these variations in materials and fenestration, as well as a number of internal features, which provide the clues to the different phases in the construction of the building. The oldest part of the property, which comprises the eastern two-thirds of the linear block at the front, was originally a yeoman's house built in the early 1600s, consisting of a three-unit plan. Its extent can be seen on the front elevation by the limits of the regularly coursed, squared stone construction, the stone label moulds to four of its six windows, and the central

- chimney stack, which the photographic evidence in the Heritage Assessment (HA) shows was originally on the western gable end of the yeoman's house.
6. The western end of the main building was added in the early C20, along with a rear lean-to which forms a passage to the main house. This section is defined by its more irregular stone coursing on the front elevation and brickwork and timber sash windows on the western gable end. The rear extension in brick with wooden casement windows was constructed in the early to mid-C20.
 7. Internally, the significant surviving historical elements of the yeoman's house are its linear, three-unit plan form, with characteristically low ceilinged rooms, splayed window openings, and chamfered axial beams, which are exposed in the entrance hallway (G2), dining room (G3), first floor box room (F3) and bedroom (F4). As noted in the HA, the relatively small size of the central hallway is also characteristic of C17 domestic plan forms, in which halls began to lose their significance.
 8. A central feature within the entrance hallway is the staircase leading to the upper floors of the house. Although not the original stairs, the position of which is unknown, comparative examples, as cited within the HA, including one in Northamptonshire, have a through passage similar to that in the C17 part of the appeal building, with the stairs built in line with the axial beam. The indication, therefore, is that the original stairs were in approximately the same location as the existing staircase, which sits between the through passage and the axial beam. I understand that the new staircase was inserted in the later C19, as part of works to remodel the interior to provide private access to the first floor bedrooms, along with partitions to create the rear corridor at first floor level. Indeed, the style of staircase, enclosed with winder stairs, and doors at the bottom of each flight to avoid draughts, is indicative of a Victorian period modernisation, as is the use of sawn timber in its construction and riven laths and plaster on the underside of the staircase.
 9. The fact that the staircase is not original or mentioned specifically in the list description does not mean it is of limited heritage significance. As explained in the advice of Historic England¹, list descriptions are not a comprehensive or exclusive record of the special interest or significance of the building, which is the case here. Whilst the list description does not mention any internal features, it notes that the building underwent C19 alterations, which recognises that this period of change contributes to the special interest of the listed building.
 10. The HA accepts the insertion of the staircase was a key element of this phase of the building. As the list description refers to this period of alteration, it stands to reason that the staircase is of historic interest and significance, in revealing the evolution in the construction of the building. But it is also of architectural interest as an example of an enclosed Victorian staircase, with simple winder stairs, and a compact form, so that it could be accommodated within the low-ceilinged hallway and landing, retaining the cottage style of the interior, which is key part of its C17 architecture and character.
 11. The proposed works require the removal of the entire staircase and its enclosure, together with one half of the first and second floor structures over the central bay of the original yeoman's house. It would be replaced by an oak and glass staircase, within an open stairwell rising through the full height of the

¹ Heritage Protection Guide, Listed Buildings Identification and Extent, Historic England, 2020

building, giving improved access to all three floors. Undoubtably, the new staircase would be an attractive, modern feature at the centre of the dwelling, which could be seen as another phase in the history of the building's development. However, it is also important that modifications and additions to historic buildings are not made at the expense of existing fabric or features which, themselves, make a positive contribution to the building's significance. As set out in the advice of Historic England², new features added to a building are less likely to have an impact on significance if they follow the character of the building.

12. In this case, the proposed works would result in the loss of significant parts of the historic fabric of the building, which, whilst not all original, evidently contribute to the special historic interest of the listed building, as described above. The loss of the enclosed staircase, floors and ceilings and the insertion of an open stairwell, would also remove much of the modest, vernacular, cottage-style architecture of the entrance hallway and first floor landing, which is characteristic of the age and original status of the host building and contributes to its special architectural interest.
13. The proposal to record the existing staircase and retain its outline, infilled within the floor structures of the hall and upper floor landings, would not mitigate the loss of features and fabric of historic and architectural interest. Accordingly, the proposed works would cause harm to the significance of the listed building. In terms of the scales of harm identified in the National Planning Policy Framework (the Framework), I consider that the harm caused to the significance of the heritage asset in this case would be less than substantial.
14. Paragraph 196 of the Framework requires that less than substantial harm to a heritage asset should be weighed against the public benefits of the proposal. In terms of the weight to be attached to the harm, paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether the harm amounts to substantial or less than substantial harm. In light of this and the statutory requirement to have special regard to the desirability of preserving the building and any features of special architectural or historic interest which it possesses, I give considerable weight to the harm the proposal would cause to its heritage significance.
15. In terms of public benefits, the Planning Practice Guidance³ (PPG) states that they should be of a nature or scale to be of benefit to the public at large and not just be a private benefit, but that works to a listed private dwelling which secure its future as a designated heritage asset would be a public benefit. In this case, the appellant contends that the new staircase is necessary to make the property suitable as a family home in the 21st century. In particular, to provide safe and convenient access to the upper floors of the building, including for furniture removal, and because the existing staircase does not conform with current Buildings Regulations (BR) in respect of fire compartmentation and safe escape from upper floors in emergencies.

² Making Changes to Heritage Assets, Historic England Advice Note 2 (paragraph 49)

³ PPG Paragraph: 020 Reference ID: 18a-020-20190723

16. However, as pointed out in the advice of Historic England⁴, the BR only apply to new work and there is no general requirement to upgrade all existing buildings to meet these standards. It is my understanding that the BR make provision for the retention of listed buildings in the form in which they were constructed. There is nothing before me in the evidence which leads me to conclude otherwise in this case.
17. With regard to accessibility, reference is made to the requirements of the Equality Act 2010. However, this legislation promotes equality of access to public services, not private dwellings. Although the stair winders are narrow in places at the foot of each flight, which is characteristic of their age, style and design, there is little evidence that this renders them dangerous, particularly given that they have been in use at the property to this point. When choosing to occupy a historic building, acceptance of the existing building structure is often a compromise when compared with modern types of accommodation.
18. Therefore, I find that the benefits arising from the works would be largely private, relating to its occupants, and not of demonstrable benefit to the public at large. Rather the harm caused to the heritage significance of the building would be a public loss, given that listed buildings are part of the suite of the nation's heritage assets.
19. Accordingly, I conclude that there would be insufficient public benefit to outweigh the identified harm or the special regard to be had to the preservation of the listed building under the Act. As such, the proposal would conflict with Policy ENV7 of the Settlements and Countryside Local Plan (Part 2) for Daventry District (2020), which requires any harm to a designated heritage asset to have a clear and convincing justification and be judged against the tests in the Framework.

Other Matters

20. The appellant has raised concerns over the handling of the application by the Council. However, this is a matter between parties and is not relevant to my determination of this appeal, which is based upon the evidence before me.

Conclusion

21. Therefore, for the reasons given above, and taking into account all other matters raised, I conclude that the appeal should fail.

M Hayden

INSPECTOR

⁴ Building Regulations Compliance: Listed Buildings and Other Heritage Assets, Historic England advice.